



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,416	06/19/2003	Claude L. Rickard	11534US.00	7010

33486 7590 01/30/2007
HEIMBECHER & ASSOC., LLC
P O BOX 33
HAMEL, MN 55340-0033

EXAMINER

WITCZAK, CATHERINE

ART UNIT	PAPER NUMBER
----------	--------------

3767

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

88

Office Action Summary	Application No. 10/600,416	Applicant(s) RICKERD, CLAUDE L.	
	Examiner Catherine N. Witczak	Art Unit 3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-16 is/are rejected.
- 7) ☐ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

~~~~~ 1/22/07

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groshong (US 4,772,266) in view of Kanno (US 4,629,455) as further modified by O'Neil (US 4,436,519).

Claims 1, 2, 7, 9, 10, 11, 15, and 16: Groshong discloses a splittable sheath (14) comprising a threaded nipple (110, 122) and an adaptor (12) comprising a threaded shaft (24, 38), a cannula (22) interfacing with the lumen of the sheath (70), and a sliding connector (56) comprising internal threading (64) for engagement with the engagement means of the sheath and an annular lip (52) extending radially inward.

Claims 3 and 8: Groshong discloses an elastomeric O-ring (44) that interfaces the interior of the sliding connector (56) and cannula portion (22).

Claim 6: Groshong discloses in column 4, lines 15-21 that the interface between the engagement mean of the connector and sheath, as well as the sealing means creates a fluid seal.

Claim 12: Groshong discloses in Figure 3 the cannula portion being in the form of a frustrum tapering distally (28).

Art Unit: 3767

Claims 13 and 14: Groshong discloses in Figure 3 the diameter of the proximal end of the frustum (28) being larger than the diameter of the middle portion of the shaft (22), defining an annular shelf (44), which as an O-ring, creates a fluid tight connection between the sliding connector (56) and the annular lip (52).

Groshong discloses the claimed invention except for the cannula portion comprising wedges on the outer surface of the cannula. Kanno teaches it is known to use a wedge (19) on a cannula in Figure 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Groshong with wedges as taught by Kanno, because such a modification would provide as support surface for the sliding connector and would also aid in splitting the slittable sheath (column 4, lines 45-59).

Groshong as modified by Kanno discloses that claimed invention except for the system including hemostasis valve with an internal thread for connecting to the adaptor. O'Neill teaches in Figure 2 that it is known to use a hemostasis valve with internal threading connected to an adaptor which is further connected to a sheath. It would have obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Groshong as modified by Kanno with a hemostasis valve including an inner thread as taught by O'Neill, since such a modification would provide the system with a hemostasis valve to stop blood flow that could be connected to the splittable sheath.

*Allowable Subject Matter*

Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

W

*Response to Arguments*

Applicant's arguments filed 10/25/2006 have been fully considered but they are not persuasive. Applicant argues that the alleged 'adaptor' is identified as a dilator. Although in the Groshong patent reference numeral 12 is labeled an "dilator," this component meets all the limitations of the Applicant's 'adaptor,' and thus for the purpose of prosecution can be considered an adaptor in view of its structure.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine N. Witzak whose telephone number is (571) 272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Simons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3767

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CW

~~~~~ 1/21/07


ANH TUAN T. NGUYEN
SUPERVISORY PATENT EXAMINER
